



GREENWOOD COMMON COUNCIL SEPTEMBER 7, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison after which Councilman Ron Deer led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bates moved to approve the minutes of the regular session of August 15th, with second by Mr. Hardin. Vote: Ayes.

At this time, Mayor Henderson introduced Marvin Kinder, wife Mary and family. Mr. Kinder served with the 98th Field Artillery in World War II and was picked as a Ranger, earning two bronze stars. Mayor Henderson then read a proclamation declaring September 7, 2005 "Marvin Kinder Day" and led the applause for World War II veterans in the audience, as well as Mr. Kinder.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Bates reported for the Plan Commission. They approved the site development plan for Precedent South, Lot 9B and for Urology of Indiana. They also discussed vacating property off of Emerson Avenue. Planning Director Ed Ferguson noted they are in the process of negotiating a contract with the Department of Urban Planning at Ball State University to update the comprehensive plan. More details will be coming.

ORDINANCE No. 05-08 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 10.0 Acres Located on the South Side of Demaree Road and West of Honey Creek Road, and Commonly Known as the Cobblestone, LLC Property. Ms. Reed moved to pass Ordinance No. 05-08 through first reading, with second by Mr. Bates. Sam Hodson, a principal of Cobblestone, LLC, gave a brief presentation. They are proposing a preliminary plat of 20 lots ranging from 12,000 to 29,000 square feet. Homes will be not less than 1,800 square feet for a one-story home and not less than 2,200 square feet for a two-story home. Mr. Hodson expects that the least expensive homes will be more than \$300,000 and the most expensive homes will be twice that. Mayor Henderson opened the public hearing. As no one spoke, the public hearing was closed. Mr. Bates thought that the Plan Commission approved this unanimously and Mr. Hardin applauded the "raising of the bar". Vote: Ayes. **PASSED FIRST READING.** In order to comply with State statute, Mr. Bates moved to postpone second reading until the October 17th meeting. Second by Mr. Hardin. Vote: Ayes. **POSTPONED FOR SECOND READING UNTIL OCTOBER 17, 2005 MEETING.**

RESOLUTION No. 05-12 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 68.0 Acres Located on the South Side of Cutsinger Road and East of Honey Creek Road (1893 S. Honey Creek Road), Referencing Annexation Ordinance No. 05-14. Mr. Bates moved to pass Resolution No. 05-12 on first reading. Second by Mr. Gibson. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 05-13 – An Ordinance Providing For an Additional Appropriation From the General Fund to the Board of Public Works and Safety For Special Census (\$225,000). Mr. Bates moved to pass Ordinance No. 05-13 through first reading. Second by Mr. Bless. Mayor Henderson opened the public hearing for input from the audience. He noted that the City is projecting an increase in population from 36,000 to 43,000 which should bring nearly \$500,000 in additional revenue. As no one spoke, the public

hearing was closed. Mr. Hardin wondered if there was a breakdown on salaries, who would be hired, what their functions would be. Mayor Henderson indicated that the Census Bureau sends staff to the City; after their staff is paid the rest is set aside to pay a wage set by the Census Bureau for census takers. The workers are hired by the staff. The amount of \$225,000 was set by the Census Bureau. Vote: Ayes. **ORDINANCE No. 05-13 PASSED FIRST READING.** Mr. Ferguson indicated that under Census Bureau it would probably be a minimum of 90 days after the Census Bureau receives the contract and down payment before the project begins and because of winter weather staff will try to push it back to at least late March, 2006.

ORDINANCE No. 05-14 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 68 Acres Located on the South Side of Cutsinger Road and East of Honey Creek Road (commonly known as J. Greg Allen and Associates Property). **POSTPONED UNTIL OCTOBER 17, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 05-15 – An Ordinance for Appropriations and Tax Rate. Mr. Gibson moved to pass Ordinance No. 05-15 through first reading. Second by Mr. Deer. Mayor Henderson opened the public hearing. As no one spoke, the public hearing was closed. There was consensus to move discussion on this to the end of the meeting.

ORDINANCE No. 05-16 – An Ordinance Fixing Salaries of Elected Officials of the City of Greenwood, Indiana for the Year 2006. Mr. Gibson moved to pass Ordinance No. 05-16 on first reading. Second by Mr. Armstrong. Mayor Henderson told the Council that for the Clerk-Treasurer's and the Mayor's salaries, he added 3.3% to last year's figures. Mr. Bates discussed his reasons for not supporting the increases, including Amendment 27 to the Constitution. Mayor Henderson indicated his belief that the City is not a constitutional government, but created by statute. Mr. Hardin stated that he also believes that an elected official should not vote for an increase in their own or other elected official's salary during their term. There followed discussion on the salary of the judge. Judge Gregory indicated that the salary is a result of 2005 action of the General Assembly, which increased all judicial salaries. Court costs were raised as well, he added. Judge Gregory said that he recommends freezing the tax-payer funded portion of his salary at the 2005 level. Ms. Koons-Davis commented that she would have to check the ordinance before we could officially have a full-time court or a full-time judge. She told the Council that they need to fix the salaries of elected officials before December 31, 2005 for the 2006 year. Vote: Aye – Deer; Nays – Gibson, Hardin, Reed, Armstrong, Bates, Bless. **DEFEATED.**

Mr. Gibson moved to direct the City Attorney to prepare a new ordinance fixing salaries of elected officials. Second by Mr. Bates. Vote: Ayes – Reed, Armstrong, Bates, Bless, Deer, Gibson; Nay – Hardin. Motion carried.

ORDINANCE No. 05-12 – An Ordinance Fixing Salaries of Appointed Officers and Employees of the City of Greenwood, Indiana For the Year 2006. Mr. Hardin moved to pass Ordinance No. 05-12 through second reading. Mr. Bates seconded. Citing the memo from Human Resources Director Bill Jackson, Mr. Armstrong moved to correct the salary of the administrative assistant in the Parks Department to \$34,321 including the adjustment. Second by Mr. Hardin. Vote: Ayes. Motion carried. Ms. Reed questioned the \$32,000 for part-time or over-time in the Sanitation Billing office. Mr. Jackson explained that is where the department has covered overtime in the department and in his discussion with the department, in an effort to curtail the overtime expenses in that department, would like to use a part-time employee who would become a full-time employee. Half of the salary would be charged against sanitation and half out of the Fire Department, where the employee now spends half of her time. Director of Sanitation Billing Arnold Kaptain feels that using a part-time person in his department 20 hours a week could cut \$10,000 of overtime. Mr. Jackson is asking for that amount of money to stay because next month he will be asking the Council to create a full-time position for the City with half of the salary going against Sanitation and half against the Fire Department. He explained that presently for time and a half in Sanitation Billing, the rate is approximately \$22 per hour. Hiring a person into the proposed position, even with benefits, noted Mr. Jackson, would mean a maximum of \$17 an hour. Ms. Reed moved to reduce the amount in Sanitation Billing overtime from \$32,200 to \$22,200. Second by Mr. Bless. Vote: Ayes. Motion carried.

At this point, Mr. Deer moved to restore the salary increases to the original 2006 proposal, as the net difference is less than \$28,000. He took into account the increases that Mr. Jackson did not support and the amendments already passed. Second by Mr. Bless. There was more discussion on the spreadsheet

provided by Mr. Jackson. Vote: Ayes – Bless, Deer, Gibson; Nays – Bates, Hardin, Reed, Armstrong. Motion fails. Mr. Deer then moved to amend the salary of the secretary/records clerk in the Planning Department to \$27,021 as justified by Mr. Jackson. Second by Mr. Gibson. Vote: Ayes – Bless, Deer, Gibson, Reed, Armstrong, Bates; Nay – Hardin. Motion carried. Mr. Deer then moved to adjust the salary of the Assistant City Attorney, per Mr. Jackson's report, to \$66,799. Second by Mr. Gibson. Vote: Deer, Gibson, Reed, Armstrong, Bates, Bless; Nay – Hardin. Motion carried. Mr. Deer moved to amend the City Attorney's salary from \$72,000 to \$71,784 per the report. Second by Mr. Gibson. Mr. Deer commented that he appreciates our legal staff and are getting a "bargain rate" compared to Plainfield which pays \$200,000 to \$400,000 per year by contracting the work out. Vote: Ayes – Gibson, Reed, Armstrong, Bates, Bless, Deer; Nay – Hardin. Motion carried. For Technician II in the I-T Department, Mr. Deer moved to amend the salary to \$35,574. Second by Mr. Gibson. There was discussion on the comparison to Carmel. Vote: Ayes – Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong, Bates. Motion fails. Mr. Armstrong then moved to adjust the Technician II salary to \$35,000. Second by Mr. Deer. Vote: Ayes – Reed, Armstrong, Bates, Bless, Deer; Nays – Gibson, Hardin. Motion carried. For Technician I, Mr. Deer moved to adjust the salary to \$42,437. Second by Mr. Gibson. Vote: Ayes – Bless, Deer, Gibson; Nays – Armstrong, Bates, Hardin, Reed. Motion failed. Mr. Armstrong then moved to amend the Technician I salary to \$42,150. Second by Ms. Reed. Vote: Ayes – Bates, Bless, Deer, Reed, Armstrong; Nays – Gibson, Hardin. Motion carried.

Regarding the administrative assistant position, Mr. Jackson noted that the department head recommended a two-year phase-in on that salary. Mr. Jackson told the Council that he feels the person deserves the full amount. Mr. Deer moved to amend that salary to \$33,579. Second by Mr. Bless. Vote: Ayes – Bless, Deer, Gibson, Reed; Nays – Hardin, Armstrong, Bates. For the three Division Chiefs in the Fire Department, Mr. Deer moved to amend their salaries to \$58,128. Second by Mr. Gibson. Vote: Ayes. Motion carried. Technician II in the Engineering Department, or Field Inspection Supervisor) was next. Mr. Deer moved to amend that salary to \$51,833. Second by Mr. Gibson. Outside inspection fees have been saved in a substantial amount. Vote: Ayes – Gibson, Reed, Armstrong, Bates, Bless, Deer; Nay – Hardin. Motion carried. Mr. Deer then moved to amend the salary of the Director of Operations to \$59,553. Second by Mr. Bless. Mr. Hardin feels, he said, that this position can be eliminated. Ayes – Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong, Bates. Motion failed. Mr. Bless then moved to amend the salary of the Director of Operations to \$51,500. Second by Mr. Gibson. Vote: Ayes – Bates, Bless, Deer, Gibson; Nays – Reed, Armstrong, Hardin. Motion carried. Roll call on Ordinance 05-12 as amended: Ayes – Bates, Bless, Deer, Gibson; Nays – Armstrong, Hardin, Reed. **ORDINANCE No. 05-12 PASSED SECOND READING AS AMENDED.**

ORDINANCE No. 05-17 – An Ordinance Vacating Platted Drainage and Utility Easements on Blocks 1A and 1B in Greenwood Springs Subdivision. Michael Fletcher explained that the subdivision plat originally had three lots. An amended plat was placed in record, which created all new drainage and utility easements. At that time, the old easements should have been abandoned, he added. There are now eight lots in the subdivision, said Mr. Fletcher, and all of the easements have been re-routed. **INTRODUCED.**

ORDINANCE No. 05-18 – An Ordinance Providing For an Additional Appropriation From the Aviation Operating Fund to the Board of Aviation Commissioners For the Local Share Match of AIP-19 Grant (\$12,700). **INTRODUCED.**

ORDINANCE No. 05-19 – An Ordinance Authorizing Issuance of Bonds For the Purpose of Providing Funds to be Applied to Pay for Acquisition of Two Fire Trucks and Related Equipment, and Incidental Expenses in Connections Therewith and on Account of the Issuance of the Bonds, and the Appropriation of Such Funds. **INTRODUCED.** Chief Dhondt reminded the Council that this is the ordinance that he indicated at an earlier meeting would be coming before them for the purchase. Sue Beesley was present as bond counsel. Umbaugh is the financial advisor. The rate will be the same, said Chief Dhondt, as the one that paid for the trucks purchased with the bond issue in 2001. The last payment on that bond is January, 2006, and we will recapture that rate. One vehicle is a 95-foot aerial platform, which has a projected life span of 20 to 25 years. The other is an engine for paramedic staff. The old aerial will be marketed through an independent third-party contractor, once the new one is in service. Typically those funds go back into the Fire Fund.

Bill Jackson spoke at this time to Ordinance No. 05-18. He recounted that at an earlier meeting he had mentioned the possibility of an FAA grant for lighting the runway, not just the extension. He had put in a request for an entire lighting project that would cover the old runway and the taxiway. Last week he learned that the airport had received a \$500,000 grant. The local share would be about 2% of that. It

would be taken out of Aviation Operating, said Mr. Jackson, not City funds. The new lighting would be in conduit, with new canisters instead of lights that can get knocked over by snow plows and mowers. They would be state-of-the-art canisters along the runway. Mr. Jackson indicated it would be an additional appropriation to the 2005 project that the Council approved.

The Council took a short recess and reconvened at 9:07 p.m.

Discussion was back to Ordinance No. 05-15 – An Ordinance for Appropriations and Tax Rate and the motion by Mr. Gibson and second by Mr. Deer. Mr. Deer asked that Paige Gregory of H.J. Umbaugh make a presentation. She told the Council that the changes in the salary ordinance amounted to a \$5,600 increase. She discussed then a summary sheet of the funds (handout in attachments of this meeting). Ms. Gregory told the Council that those figures showing the estimated cash balances in 2006 mean that the estimated proposed budget can be funded. Local Road & Streets does not receive property tax, only a State distribution. This is currently showing about a \$250,000 deficit; cuts will have to be made either in the 2005 appropriation and/or 2006, noted Ms. Gregory. She moved on to discuss an excess levy appeal, telling the Council that the City is currently qualified to request a permanent increase to the maximum levy based on increased pension payments and contributions. The qualifying increased amount is \$44,700. Included in the handouts was a historical and estimated cash flow analysis by fund and highlighted first the General Fund. Ms. Gregory indicated that her analysis shows positive cash balances through 2006 except for Local Road & Street. She pointed out that the cash balances are declining. Her figures are a worst-case scenario. As to compiling information on road improvements, Ms. Gregory stated that for the last two years the City has spent or budgeted to spend \$4.5 million. This was out of a variety of funds. Mr. Hardin asked what preventative measures to take in order to prevent the deficits shown for 2007 in her projection. Ms. Gregory pointed out that estimated expenditures are exceeding the estimated revenue. She noted that the Cum Capital Improvement fund is a rate driven fund inside the maximum levy. The Council has the authority to reduce that rate at any time, Ms. Gregory stated, or even eliminate that rate and shift those property tax dollars to the General Fund or whichever fund might need those property tax dollars. Estimated property tax dollars in 2007, indicated Ms. Gregory, are about \$9.6 million, which can be shifted or allocated among any of the funds. Another suggestion would be, she said, to increase the maximum levy whenever you are qualified. Anticipated revenues from the census were not included in Ms. Gregory's figures. For cash reserves, Ms. Gregory quoted that usually about 15% of the budget is recommended. In response to Mr. Deer, Ms. Gregory confirmed that the cash flow for 2007 is estimated to decline \$779,272 and showing that figure in brackets does not mean a deficit in that amount. The estimated ending cash and investments for 2007 is \$2,133,166.

Discussion turned to requesting the increase in the maximum levy due to the increased pension payments and contributions mentioned earlier. Typically the Council passes a resolution authorizing a petition to exceed levy limitations. This led to discussion of the CCI funds. Ms. Gregory told the Council that CCI – Cigarette Tax money can at any time be transferred to the General Fund. CCI with a rate cannot be transferred, she went on, but the Council can appropriate out of that fund. There was more discussion focusing on road improvements and the CCI fund as well as planning for the future. With the expected revenue from the special census, Mr. Armstrong thought that \$250,000 in cuts would result in a balanced budget, while Mr. Deer suggested that it could be \$250,000 in savings this year – not necessarily cuts. Mayor Henderson used the example of the Police budget turning back in possibly \$200,000 with \$150,000 or so being in salaries. He indicated that there are five patrolman positions not filled and the department does not have a list to hire from. Mr. Armstrong noted there is about \$7,000 in furniture expenses split between BOW, HR, Law and Probation. Mayor Henderson said that money is budgeted in case of emergency and said that his budget in the past has been used for other departments. Ms. Koons-Davis described the condition of desks and files in her office and said she would have to replace some furniture soon before it literally falls apart. Mr. Armstrong moved to cut \$1,000 from BOW and \$1,000 from the Mayor for furniture. Second by Mr. Hardin. Dick Heiney mentioned that the County income tax distribution was flat-lined in the projection and we should get two or three times the increase in the distribution compared to what the County got. Ms. Gregory noted that even though the number of people paying income taxes has increased, the revenue has been on a decline. Vote: Ayes – Hardin, Reed, Armstrong; Nays – Bates, Bless, Deer, Gibson. Motion fails. Roll call on motion to pass budget through first reading: Ayes – Bless, Deer, Gibson, Hardin, Reed, Bates; Nay – Armstrong. **ORDINANCE No. 05-15 PASSED FIRST READING.**

Under miscellaneous business, Mr. Bates mentioned that he had received a letter regarding the new vehicle take-home policy for employees. It was not signed. Mr. Bates thanked all those involved in street repair throughout the City.

Mr. Hardin asked for an update on the traffic study in Barrington Subdivision. Chief Pitcher reported that there was an average of less than 2.5 accidents per year, with no personal injuries. The numbers so far do not justify the study but the department will get to it as it can.

Mr. Hardin reported he has had some complaints recently regarding the intersection of Averitt and Main. Callers say that traffic turning from westbound Main onto southbound Averitt is backing up into the southbound lanes of U.S. 31, especially during the afternoon drive home. He wondered if the Engineering Department could offer suggestions or solutions to alleviate the problem.

Along the same lines, from citizen complaints for the intersection of Averitt and Smith Valley Road, there appears to be a problem going southbound on Averitt turning eastbound onto Smith Valley during the morning hours when school is in session. Mr. Hardin asked again for possible solutions for this. The Director of Engineering took both those requests.

Mr. Armstrong asked about parking on both sides of the street in the Villages of Grassy Creek. This is restricting visibility. Mayor Henderson indicated that most of these complaints are investigated by sending fire trucks and ambulances into the area and having the Fire Department make a recommendation. Chief Dhondt noted that they consider the street width, accessibility and cross streets. Mr. Deer thought these problems require a change to the Subdivision Control Ordinance. This led to discussion of regulatory signage in new subdivisions. The Mayor quoted Greenwood Municipal Code (1993) Sec. 10-521.20.20.02 which states that speed limit, stop, yield and other necessary regulatory signs, in accordance with the Manual on Uniform Traffic Control Devices of Indiana shall be provided by the developer in the type and quantity approved as part of the development plans. The Tech Committee has been instructed to deal with this in the future.

Mr. Gibson thanked Chief Pitcher for writing a well-organized letter in response to noise complaints in Northern Park.

Ms. Reed mentioned there is a sidewalk section near 949 Sleepy Hollow that needs repair. It floods when it rains. On the north side of Sleepy Hollow, where a water main was repaired, the sidewalk around that water main is no longer there, she added.

Ms. Reed asked about the total collected for Jerry's Kids. Chief Dhondt reported the Fire Department collected \$25,700 for MDA this year – the most collected by any Fire Department in the State of Indiana, although down slightly from last year.

Radio Cab brought a copy of a request for a rate increase from \$1.80 to \$2.00, due to the price of gasoline. The City Attorney will draft an ordinance.

Mr. Deer asked for an update on speed studies that he thought had been completed. The field part on Declaration Drive has been completed, and the Director of Engineering said he could send his analysis on that. Mr. Deer asked about any plans for control at the Worthsville and Averitt intersection. Mayor Henderson replied there were none at this time – after the 90 degree turn is taken out plans will be reviewed.

Mayor Henderson told Mr. Deer, that he responded to an e-mail about loud music at Damon's. He sent the complaint on to the Police Department and left a message for the complainant.

Director of Operations Norm Gabehart told the Council he received a change order on the turn lane at Main Street & Emerson Avenue, just short of \$46,000. There is a total of \$25,000 in commitments from C.P. Morgan. The start date is Monday, September 12th, with anticipation of 30 days to completion.

Mr. Gabehart next discussed funding (\$50,000) that was allocated in 2001 towards Fry Road improvements. Project anticipation is \$120,000 to do an overlay with surface.

County Bridge 607 (on Main Street east of the railroad) will be replaced, hopefully in April. Mr. Gabehart said he hopes construction will be done prior to the start of school.

In response to Mr. Gibson, Chief Dhondt confirmed that the Rotary Club will be finishing their work on the Madison Avenue parking lot.

The Mayor confirmed that everyone had received a copy of the letter from Insight Cable.

Mayor Henderson asked if it would be appropriate for the Council to send a donation to the Salvation Army for those who were evacuated from Hurricane Katrina. The Council was agreeable to contributing as individuals, without using City money.

Ms. Koons-Davis recommended action on the resolution to appeal for an excess levy that was introduced by Ms. Gregory. Mr. Bates moved to suspend the rules in order to consider first reading. Second by Mr. Bless. Vote: Ayes. **RULES SUSPENDED.** Mr. Bates now moved to pass the resolution through first reading. Second by Mr. Hardin. Vote: Ayes – Gibson, Hardin, Reed, Bates, Bless, Deer; Nay – Armstrong. **PASSED FIRST READING.** Mr. Gibson moved to suspend the rules in order to consider second reading. Second by Mr. Bates. Vote: Ayes. **RULES SUSPENDED.** Mr. Gibson next moved to pass the resolution through second reading. Second by Mr. Bates. Vote: Ayes – Reed, Bates, Bless, Deer, Gibson, Hardin; Nay – Armstrong. **PASSED SECOND READING.**

With no further business, the meeting adjourned at 10:30 p.m.